

Article - Criminal Law

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§4–104.

(a) (1) In this section the following words have the meanings indicated.

(2) “Ammunition” means a cartridge, shell, or other device containing explosive or incendiary material designed and intended for use in a firearm.

(3) “Child” means an individual under the age of 16 years.

(4) (i) “Firearm” means a handgun, rifle, shotgun, short-barreled rifle, or short-barreled shotgun, as those terms are defined in § 4-201 of this title, or any other firearm.

(ii) “Firearm” does not include an antique firearm as defined in § 4-201 of this title.

(b) This section does not apply if:

(1) the child’s access to a firearm is supervised by an individual at least 18 years old;

(2) the child’s access to a firearm was obtained as a result of an unlawful entry;

(3) the firearm is in the possession or control of a law enforcement officer while the officer is engaged in official duties; or

(4) the child has a certificate of firearm and hunter safety issued under § 10-301.1 of the Natural Resources Article.

(c) A person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised child would gain access to the firearm.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

(e) (1) A violation of this section may not:

(i) be considered evidence of negligence;

- (ii) be considered evidence of contributory negligence;
 - (iii) limit liability of a party or an insurer; or
 - (iv) diminish recovery for damages arising out of the ownership, maintenance, or operation of a firearm or ammunition.
- (2) A party, witness, or lawyer may not refer to a violation of this section during a trial of a civil action that involves property damage, personal injury, or death.

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